

Preliminary Amendment

Applicant: Daniel R. Marshall

Serial No.: Unknown (Parent Serial No.: 09/710,161)

Filed: Herewith (Parent Filing Date: November 8, 2000)

Docket No.: 10002305-4

Title: SWALLOWABLE DATA RECORDER CAPSULE MEDICAL DEVICE

REMARKS

This Preliminary Amendment modifies the Divisional Application filed herewith. In this Preliminary Amendment claims 1-22 have been canceled without prejudice and claims 38-42 have been substituted therefor. **Applicants request that filing fees be calculated on the basis of entry of this Preliminary Amendment.** Claims 23-42 remain in the application and are presented for consideration. It is believed that all claims 23-42 of this application are in condition for allowance. A notice to that effect is respectfully requested.

Any inquiry regarding this Preliminary Amendment should be directed to either Steven E. Dicke, Esq. at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005 or Philip S. Lyren, Esq. at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Daniel R. Marshall,

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2002
Facsimile: (612) 573-2005

Date: September 16, 2003
SED:jan

Steven E. Dicke
Steven E. Dicke
Reg. No. 38,431

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Signature: John A. Parker